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UNCLAS MADRID 004316

SIPDIS

STATE FOR CA/OCS/ACS/EUR - STEVE SENA
ALSO FOR L/LEI - K. PROPP
JUSTICE FOR DOJ/OIA- D. ASHLEY

E.O. 12958: N/A
TAGS: CJAN CPAS KCRM SP BERARDUCCI CHRISTOPHER
MICHAEL)
SUBJECT: EXTRADITION CASE OF CHRISTOPHER MICHAEL
BERARDUCCI

REF: a) state 235881

¶1. Christopher Michael Berarducci's surrender is getting strong press coverage in major newspapers in Spain. "El Mundo", one of Spain's leading newspapers states that Spain is going to surrender subject to the US without receiving the requested assurances. The publication quotes Post's dipnotes to show that US won't submit assurances against a life sentence in Nevada.

¶2. The press reports that the subject's attorney stated on October 15, 2004 that Berarducci is going to be surrendered in the next 2 weeks, that subject will be handed over by Interpol and that he will travel in a commercial flight. US Marshals in country for the surrender have been advised of the developments.

¶3. Post believes that it is possible the subject will file a petition for a writ of a Habeas Corpus before being handed to US authorities on Friday, November 12, ¶2004. His new attorney is well known as an aggressive defense lawyer. If they make this petition, for example at the airport, this would require that a judge come to the airport to affirm the lawful detention and surrender.

¶4. Embassy will keep Department informed of developments in this case.

ARGYROS